

Michigan Fire Prevention Code

**1941 PA 207, as Amended
July 2002**

**Including the Provisions of
Executive Reorganization Order 1997-2
And
Executive Reorganization Order 1998-2**

Consumer & Industry Services
Office of Fire Safety

Michigan State Police
Fire Marshal Division

Dept. of Environmental Quality
Storage Tank Division

Michigan Fire Prevention Code
1941 PA 207, as amended
July, 2002

Introduction

This printing of the Michigan Fire Prevention Code contains five significant revisions since the 1996 printing, **only the last of which is a change from the May 2000 printing**. The first two involve “Executive Reorganization Orders”, commonly known as “Executive Orders”, as follows:

Executive Reorganization Order 1997-02 – This Order has the most sweeping impact on the act. It transferred plan review, code enforcement, inspector training, rule promulgation (State Fire Safety Board), fire extinguishing agent regulation, and right-to-know provisions to the Department of Consumer and Industry Services, Office of Fire Safety. The Above Ground Storage Tank Program and the inspection of dry cleaning establishments were transferred to the Department of Environmental Quality, Storage Tank Division. Fire and explosion investigation, arson fraud enforcement, public fire safety education, data collection and analysis, and fireworks continue to be the responsibility of the Michigan State Police Fire Marshal Division. (MCL 29.451)

Executive Reorganization Order 1998-02 – This Order further clarified the transition of the Above Ground Storage Tank Program. (MCL 29.461)

Both Orders can be found following the text of Act 207. It is important that the reader become familiar with both prior to reading and applying Act 207. Many references to the State Fire Marshal actually mean the Office of Fire Safety or the Storage Tank Division.

Other revisions involve recent public acts (2001 PA 32 is the change since May, 2000). The language of Act 207 has been changed to reflect these acts, summarized as follows:

1998 PA 45 – added the requirement for tornado drills to Section 29.19

1999 PA 252 – changed the immunity in the Fire Marshal inquiry process from “transactional” immunity to “use” immunity in Section 29.7.

2001 PA 32 – added provisions to Section 29.6 - defines a “demonstration” fire, requires immediate reporting of an injury or death of a civilian during a demonstration fire, and requires the fire marshal to investigate and report

Copies of these are not attached, as the language has been fully incorporated.

Questions

Questions regarding the Act should be directed to one of the following agencies based on examination of the Executive Orders:

Michigan State Police, Fire Marshal Division
7150 Harris Dr.
Lansing, MI 48913
517/322-1924
www.michigan.gov/msp

Department of Consumer and Industry Services, Office of Fire Safety
7150 Harris Dr.
Lansing, MI 48913
517/322-1123
www.michigan.gov/cis

Department of Environmental Quality, Storage Tank Division
PO Box 30157
Lansing, MI 48909-7657
517/373-8168
www.michigan.gov/deq

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FIRE PREVENTION CODE

Act 207 of 1941

AN ACT to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—Am. 1952, Act 113, Eff. Sept. 18, 1952 ;—Am. 1961, Act 102, Eff. Sept. 8, 1961 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;—Am. 1984, Act 314, Imd. Eff. Dec. 21, 1984 — Am. 2001, Act 32, Imd Eff. June 29, 2001.

The People of the State of Michigan enact:

29.1 Definitions.

Sec. 1. As used in this act:

- (a) “Director” means the director of the department of state police.
- (b) “Department” means the department of state police.
- (c) “Building” means a structure, framework, or place for housing 1 or more persons and includes a tank, receptacle, or container for the storage of commodities or other materials.
- (d) “Premises” means a lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, and any other place or enclosure, however owned, used, or occupied.
- (e) “Fire hazard” means a building, premises, place, or thing which by reason of its nature, location, occupancy, condition, or use may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.
- (f) “Person” means an individual, partnership, corporation, or voluntary association.
- (g) “Owner” means a person with an ownership interest in property, and includes a trustee, a board of trustees of property, or a person having a freehold interest in property. Owner does not include a lessee or mortgagee of property.
- (h) “Organized fire department” means an organization or department which provides fire suppression and other fire related services within a city, village, or township and is a fire department of a city, village, or township, or a fire service designated by a city, village, or township, pursuant to a contract. Organized fire department includes a department of county employees who are responsible for fire suppression and other fire related services for an airport operated by the county or an agency of the county.
- (i) “State fire marshal” means the director or an officer of the department appointed by the director to implement this act.
- (j) “Firm” means a sole proprietorship, partnership, association, or corporation.
- (k) “Vehicle” means a tank vehicle or bulk transportation vehicle, excluding the tractor of a tank vehicle or bulk transportation vehicle.
- (l) “Hazardous material” means explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, combustible liquid, oxidizing

material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas.

(m) "Fire fighter" means a member of an organized fire department who is responsible for fire suppression and other fire related services.

(n) "Place of public assemblage" means a room or other space in a building which room or other space can accommodate 50 or more individuals, including all connected rooms and space which share a common means of entrance and egress. Place of public assemblage does not include a private 1- or 2-family dwelling.

(o) "Fire chief" or "chief of an organized fire department" means the chief operating officer of an organized fire department.

(p) "Board" means the state fire safety board created in section 3b.

(q) "Terminal" means a location at which an above ground liquid storage tank containing a flammable liquid is located.

(r) "Attended terminal" means a terminal, other than a remote control terminal, where an individual knowledgeable in the above ground liquid storage tank filling operation is physically in attendance and control during the entire delivery of a flammable liquid and has as his or her primary responsibility, supervising the storage tank filling operation.

(s) "Unattended terminal" means a terminal, other than a remote control terminal, where an individual knowledgeable in the above ground liquid storage tank filling operation is only in attendance during a portion of the time when a flammable liquid is being delivered or has as his or her primary responsibility, a function other than supervising the storage tank filling operation.

(t) "Remote control terminal" means a terminal where the filling of the above ground liquid storage tank with a flammable liquid is controlled at a remote location by the individual who conveyed the flammable liquid to the terminal.

(u) "Pipeline" means a pipeline used to convey a flammable liquid from a crude petroleum wellhead collection site to a refinery or terminal or from a refinery to a terminal. A pipeline does not mean gathering lines from the wellhead to a crude petroleum collection tank or piping used within a plant operation.

(v) "Fire alarm system" means an assemblage of components which indicates or provides a warning of a fire emergency, installation of which is required by the state fire marshal pursuant to rules promulgated by the state fire safety board under section 3c.

(w) "Fire suppression system" means an integrated combination of a fire alarm system and fire suppression equipment which, as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area, installation of which is required by the state fire marshal pursuant to rules promulgated by the state fire safety board under section 3c.

(x) "Flammable liquid" means a liquid having a flash point below 100 degrees fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch absolute at 100 degrees fahrenheit.

(y) "Combustible liquid" means a liquid having a flash point at or above 100 degrees fahrenheit and below 200 degrees fahrenheit.

(z) "Owner of vehicle" means either of the following:

(i) Any person renting or leasing a vehicle or having the exclusive use of a vehicle for a period greater than 30 days.

(ii) A person who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner.

(aa) "Noncommercial transportation" means the occasional transportation of personal property by an individual not for compensation or in the furtherance of a commercial enterprise, and

transportation not regulated under the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.1 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;—Am. 1981, Act 186, Imd. Eff. Dec. 23, 1981 ;— Am. 1982, Act 144, Eff. Oct. 28, 1982 ;—Am. 1987, Act 70, Imd. Eff. June 29, 1987 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler's Note: For transfer of powers and duties of the state fire safety board from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at §29.451 of the Michigan Compiled Laws.

Former Law: See Act 79 of 1911; Act 178 of 1915, being CL 1929, §§603 to 620.

Admin Rule: R 29.2801 et seq. of the Michigan Administrative Code.

29.1a Short title. [M.S.A. 4.559(1a)]

Sec. 1a. This act shall be known and may be cited as the “fire prevention code”.

History: Add. 1945, Act 86, Imd. Eff. Apr. 11, 1945 ;—CL 1948, 29.1a ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 .

29.2 Administration and enforcement of act; departmental division. [M.S.A. 4.559(2)]

Sec. 2. Except as otherwise provided in this act the administration and enforcement of this act are vested in the department of state police. The director may create and maintain a division of the department as he shall deem necessary or expedient, and organize or reorganize the same, including the appointment of division heads, assistants, and employees with titles, powers, and duties related to the administration and enforcement of this act as he shall designate and prescribe.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.2 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965;— Am.1973, Act 199, Imd. Eff. Jan. 11, 1974 .

29.2a Rules; promulgation; ad hoc committees. [M.S.A. 4.559(2a)]

Sec. 2a. (1) Rules promulgated under this act shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(2) The state fire marshal shall appoint ad hoc committees to assist the board in the promulgation of rules under this act. The committees shall consist of as many members as the state fire marshal considers necessary, but shall include at least 2 persons who are representatives of 1 or more fire associations having a direct interest in the rules and at least 1 person who is representative of the persons owning facilities regulated by this act.

(3) The committees shall serve during the promulgation of the rules, shall make recommendations on the content of the rules, and may recommend revisions in the rules.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 .

Admin Rule: R 28.101 et seq.; R 29.1 et seq.; R 29.501 et seq.; R 29.551 et seq.; R 29.601 et seq.; R 29.1101 et seq.; R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; R 29.2801 et seq.; R 29.3101 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.2b Delegation of authority to enforce fire safety rules; certification of employees; rules; ordinances; fire inspectors; duration, renewal, and revocation of delegated authority; review of decisions.

Sec. 2b. (1) Upon the request by resolution of a governing body of a city, village, or township, the state fire marshal may delegate to 1 or more employees of the city, village, or township employed as full-time fire inspectors the authority to enforce 1 or more of the fire safety rules promulgated under this act, if the employees have been certified as certified fire inspectors by the state fire marshal and that certification has not been revoked by the state fire marshal.

(2) The state fire safety board shall promulgate rules establishing the qualifications for the certification of the employees described in subsection (1) who may be delegated the authority by the state fire marshal to enforce 1 or more of the fire safety rules promulgated under this act. The

state fire marshal shall certify those employees who meet the qualifications established by the board. The delegation of authority under subsection (1) shall not be construed to prohibit a city, village, or township from adopting fire safety ordinances or employing persons as fire inspectors.

(3) The authority delegated under subsection (1) may be delegated for not more than 2 years, but may be renewed under subsection (1) for subsequent 2-year periods. The authority shall be revoked by the state fire marshal, if the state fire marshal finds that the employees are not in compliance with subsection (1) or if the governing body of the employing city, village, or township, by resolution, requests the revocation.

(4) The state fire safety board shall review all decisions of the state fire marshal in delegating or revoking the authority delegated under subsection (1) and may overrule those decisions, if rendered contrary to subsection (1).

History: Add. 1980, Act 247, Eff. Oct. 1, 1980 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to coordination of fire inspector training programs, including state certified fire inspector school and the biennial recertification of fire inspectors, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

Admin Rule: R 28.101 et seq.; R 29.1 et seq.; R 29.501 et seq.; R 29.551 et seq.; R 29.601 et seq.; R 29.1101 et seq.; R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; R 29.2801 et seq.; R 29.3101 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.2c Hospital operation and maintenance inspection fees; plan review and construction inspection fees for hospitals and schools; disposition; fee schedule; rate of assessment.

[M.S.A. 4.559(2c)]

Sec. 2c. (1) To implement and enforce this act, the director may charge hospitals operation and maintenance inspection fees and may charge hospitals and schools plan review and construction inspection fees as provided in this section.

(2) Fees charged under subsection (1) shall be deposited in the general fund in a restricted account. The fees collected under this act and placed in the restricted account shall be used exclusively for the funding of the services for which the fees are collected and shall remain in the restricted account at the end of the fiscal year.

(3) For the fiscal year beginning October 1, 1995, the fees charged under subsection (1) shall be paid in accordance with the following fee schedule:

Operation and maintenance inspection fee

Facility Type	Facility Size	Fee
Hospitals	Any	\$10.00 per bed

Plan review and construction inspection fees for hospitals and schools

Project cost range	Fee
\$85,000.00 or less	minimum fee of \$100.00
\$85,001.00 to \$1,500,000.00	\$1.18 per \$1,000.00
\$1,500,001.00 to \$10,000,000.00	\$0.80 per \$1,000.00
\$10,000,001.00 or more	\$0.50 per \$1,000.00 or a max fee of \$50,000.00.

(4) The fee schedule in subsection (3) is only applicable for the fiscal year beginning October 1, 1995. For each subsequent fiscal year, the fees charged under this section shall be established in accordance with the fee schedule set forth in that fiscal year's appropriations act for the department of state police.

(5) The fees for projects submitted to the department and in plan review prior to March 1, 1996 will be assessed at a rate of 50%. Fees will not be charged for projects that have received plan review approval before March 1, 1996.

History: Add. 1996, Act 147, Imd. Eff. Mar. 25, 1996 .29.3 Repealed. 1965, Act 200, Imd. Eff. July 16, 1965.

[M.S.A. 4.559(3)]

Compiler's Note: The repealed section authorized commissioner of state police to promulgate rules, and provided for judicial review.

29.3a Repealed. 1978, Act 3, Imd. Eff. Feb. 7, 1978. [M.S.A. 4.559(3a)]

Compiler's Note: The repealed section pertained to adoption and promulgation of fire safety rules and standards.

29.3b State fire safety board; creation; appointment, qualifications, terms, and removal of members; quorum; voting; hearing; chairperson; regular and special meetings; conducting business at public meeting; notice of meeting; compensation and expenses; appropriation; minutes; record; availability of certain writings to public; confidentiality; reports, analyses, or summaries; offices, employees, equipment, and supplies. [M.S.A. 4.559(3b)]

Sec. 3b. (1) The state fire safety board is created and shall consist of 16 members who are residents of this state. Of the 16 members:

- (a) Three shall be representatives of organized fire departments in the lower peninsula.
 - (b) One shall be a representative of organized fire departments in the upper peninsula.
 - (c) One shall be a representative of hospital administration.
 - (d) One shall be a registered professional engineer.
 - (e) One shall be a registered architect.
 - (f) One shall be a representative of the nursing home industry.
 - (g) One shall be a school board member or a school administrator.
 - (h) One shall be a representative of the building trades.
 - (i) One shall be a representative of persons who own a place of public assemblage.
 - (j) One shall be a representative of the flammable liquids industry.
 - (k) One shall be a representative of the liquefied petroleum gas industry or the flammable compressed gases industry.
 - (l) One shall be a representative of the chemical manufacturing industry.
 - (m) One shall be a licensed electrical contractor or master electrician.
 - (n) One shall be a representative of persons who own adult foster care facilities.
- (2) Even if the number of board members is reduced by statute, each board member serving at the time of the reduction may complete the balance of the board member's unexpired term. Board members shall be appointed by the governor with the advice and consent of the senate. The members shall have the qualifications the governor considers essential to enable them to competently pass upon matters pertaining to fire prevention and fire safety for the establishments or facilities specified in section 3c(1).
- (3) Each member shall be appointed for a term of 3 years. Continued absence of a member from regular or special meetings of the board renders the member subject to immediate removal by the governor.
- (4) A majority of the members appointed to and serving on the board constitutes a quorum. Affirmative votes of at least a majority of the members appointed to and serving on the board shall be required to pass upon any question, action, or business of the board, except that a hearing of a contested case may be conducted in the presence of 3 board members who, after hearing the facts and considering the evidence and testimony, shall recommend the action the board should take.
- (5) Annually the board shall elect a chairperson from its members, and shall hold at least 6 regular meetings a year. Special meetings may be called by the chairperson, or upon written request of 5 board members. Meetings shall be held at a location designated by the chairperson.
- (6) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(7) Each member of the board shall receive per diem compensation as the legislature prescribes, and shall be entitled to actual and necessary expenses incurred in the performance of duty. The legislature shall appropriate sufficient money for the board to conduct its business and discharge its responsibilities.

(8) The board shall keep minutes of its proceedings, showing the vote of each member on each proposition or question, or indicating if a member is absent or fails to vote. A record of board action and business shall be made and maintained.

(9) Except as provided in subsections (10) and (11), a writing prepared, owned, or used which is in the possession of, or retained by the board, department, its agents or others in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(10) A person regulated under this act may designate a report or other information furnished to or obtained by the department, its agents, or others as being only for the confidential use of the department, its agents, or others in the performance of an official function. If the department, its agents, or others receive a request for a public record under section 5 of Act No. 442 of the Public Acts of 1976, being section 15.235 of the Michigan Compiled Laws, which public record includes either information designated as confidential or information obtained under section 4 of this act, the department, its agents, or others shall notify the regulated person. The person regulated under this act shall have 30 days after the receipt of the notice to demonstrate to the department, its agents, or others, that either the information designated as confidential or information obtained under section 4 of this act, constitutes a trade secret or confidential business information which, if disclosed, may cause a competitive disadvantage. The department, its agents or others shall grant the request for the information unless the person regulated under this act has made a satisfactory demonstration to the department, its agents, or others that the information, if disclosed, may cause a competitive disadvantage. If a dispute occurs between the person regulated and the person requesting information under Act No. 442 of the Public Acts of 1976, the fire safety board shall make a final decision to grant or deny the request.

(11) Nothing in this act shall be construed to either prevent the use of records or information by the department in compiling or publishing reports, analyses or summaries relating to general conditions for the prevention of fire, or the use of any record or other information for the purposes of administration or enforcement of any federal, state, or local fire prevention laws. However, a report, analysis, summary, or use shall not directly or indirectly publicly reveal information otherwise confidential under this section.

(12) The board may maintain an office, hire employees, either full or part time as necessary, and purchase, rent, or lease equipment and supplies considered essential to the proper discharge of its responsibilities.

History: Add. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;—Am. 1970, Act 212, Imd. Eff. Sept. 29, 1970 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980;—Am.1996, Act 152, Imd. Eff. Mar. 25, 1996 .

29.3c Rules; review and consideration; submission to joint committee on administrative rules; variation of application of rule; board as hearing body; modification of ruling or interpretation; decision; exemption. [M.S.A. 4.559(3c)]

Sec. 3c. (1) The board shall promulgate rules pertaining to fire safety requirements for the construction, operation, or maintenance of all of the following: (a) Schools and dormitories, including state supported schools, colleges, and universities and school, college, and university dormitories.

(b) Buildings for which the state is the lessee or which are owned by the state.

(c) A health facility or agency as defined in section 20106 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20106 of the Michigan Compiled Laws.

(d) Places of public assemblage.

(e) Penal facilities as described in section 62 of Act No. 232 of the Public Acts of 1953, being

section 791.262 of the Michigan Compiled Laws.

(f) Dry cleaning establishments using flammable liquids.

(g) Mental facilities as described in section 135 of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1135 of the Michigan Compiled Laws.

(2) The board shall promulgate rules for the storage, transportation, and handling of liquefied petroleum gas and for the storage, noncommercial transportation, and handling of other hazardous materials and for the implementation of this act.

(3) Rules promulgated pursuant to this act shall be consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the field of fire protection. Experiences identified in the department's fire incidents reports may be considered by the board as a qualified basis for review of rules promulgated and promulgation of rules pursuant to this act.

(4) The state fire safety board, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, shall submit the initial rules to the joint committee on administrative rules not later than October 28, 1982 for the certification of a firm which does any of the following: (a) Installs, modifies, or documents the installation or modification of a required fire suppression system.

(b) Documents the installation or modification of a required fire alarm system.

(c) Performs testing, servicing, inspections, or maintenance which has not been exempted by the rules promulgated by the board on required fire alarm systems or required fire suppression systems.

(d) Submits a drawing, print, or sketch of a required fire alarm system or required fire suppression system to the state fire marshal for approval pursuant to section 29, except an architect or professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(5) The state fire marshal shall not be required to consider fire safety rules other than those provided for in this act and in Act No. 306 of the Public Acts of 1937, being sections 388.851 to 388.855a of the Michigan Compiled Laws.

(6) A person may request a variation of the application of a rule promulgated pursuant to this act by applying to the state fire marshal. The state fire marshal may make a variation upon a finding that the variation does not result in a hazard to life or property. The finding shall be transmitted to the person requesting the variation and shall be entered into the records of the department. If the variation requested concerns a building, the finding shall also be transmitted to the governing body of the city, village, or township in which the building is located.

(7) The entire board, except as provided in section 3b(4), shall act as a hearing body in accordance with Act No. 306 of the Public Acts of 1969, to review and render decisions on a contested case, a rule specified in this act, or a ruling of the state fire marshal in the marshal's interpretation or application of the rules. After a hearing, the board may vary the application of a rule or may modify the ruling or interpretation of the state fire marshal if the enforcement of the ruling or interpretation would do manifest injustice and would be contrary to the spirit and purpose of the rules or the public interest.

(8) A decision of the board to vary the application of a rule, or to modify or change a ruling of the state fire marshal, shall specify in what manner the variation, modification, or change is made, the conditions upon which it is made, and the reasons for the variation, modification, or change.

(9) If a local school board has passed a resolution calling for an election on the question of the issuance of bonds for the construction, remodeling, or addition to a school, which election was held not later than September 28, 1989, which approved issuance of the bonds and which construction was reasonably anticipated to have begun not later than June 30, 1990, then the construction, remodeling, or addition to that school is exempt from the rules promulgated by the fire safety board entitled "schools, colleges, and universities", being R 29.301 to R 29.321 of the Michigan administrative code, that were filed with the Secretary of State on July 14, 1989 and became effective on July 29, 1989. The construction, remodeling, or addition to that school is, however, subject to the standards contained in rules promulgated by the fire safety board entitled

“school fire safety”, being the former R 29.1 to R 29.298 of the Michigan administrative code. This subsection does not prevent the construction, remodeling, or addition of a school from complying with R 29.301 to R 29.321 of the Michigan administrative code.

History: Add. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;—Am. 1970, Act 212, Imd. Eff. Sept. 29, 1970 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980;—Am. 1982, Act 144, Eff. Oct. 28, 1982 ;—Am. 1989, Act 282, Imd. Eff. Dec. 26, 1989 ;—Am. 1990, Act 132, Imd. Eff. June 26, 1990 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler’s Note: Section 2 of Act 144 of 1982 provides: “(1) Except as provided in subsection (2), this amendatory act shall take effect 6 months after the date of enactment. “(2) Section 3c(4) shall take effect upon the date of enactment.” This amendatory act was enacted on April 28, 1982. R 29.301 to R 29.321 of the Michigan Administrative Code, filed with the Secretary of State on July 14, 1989, and referred to in subsection (9), took effect August 1, 1989.

Admin Rule: R 28.101 et seq.; R 29.301 et seq.; R 29.501 et seq.; R 29.551 et seq.; R 29.601 et seq.; R 29.1101 et seq.; R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; R 29.2801 et seq.; R 29.3101 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.3d Moving picture theaters; rules, scope. [M.S.A. 4.559(3d)]

Sec. 3d. Rules promulgated by the board with respect to moving picture theaters shall be limited in scope to those subject matters set forth in Act No. 257 of the Public Acts of 1913, as amended, being sections 29.81 to 29.101 of the Compiled Laws of 1948, wherein specific reference is made to the power of the state fire safety board to promulgate rules pursuant to the provisions of this act.

History: Add. 1970, Act 212, Imd. Eff. Sept. 29, 1970 .

29.3e Rules pertaining to uniform fire safety requirements. [M.S.A. 4.559(3e)]

Sec. 3e. The board shall promulgate rules pertaining to uniform fire safety requirements for the operation and maintenance, but not the construction, of commercial buildings, industrial buildings, and residential buildings, excluding 1- and 2-family dwellings and mobile homes.

History: Add. 1980, Act 247, Eff. Oct. 1, 1980.

Admin Rule: R 29.2501 et seq. of the Michigan Administrative Code.

29.4 Fire incident report; report of fire by fire insurance company; reporting fires where arson suspected; request for release of information relative to fire loss; notice and information where incendiary means suspected; liability for furnishing information; confidentiality; testimony in civil action or administrative hearing; “insurance company” defined. [M.S.A. 4.559(4)]

Sec. 4. (1) The chief of each organized fire department, or the clerk of each city, village, or township not having an organized fire department, immediately after the occurrence of fire within the official’s jurisdiction resulting in loss of life or property, shall make and file with the state fire marshal a complete fire incident report of the fire. The report shall be made on and according to forms supplied by the state fire marshal.

(2) Each fire insurance company authorized to do business in this state on request shall promptly furnish to the state fire marshal information in the company’s possession concerning a fire occurring in this state. The report shall be in addition to and not in place of any other report required by law to be made by the company to other state agencies.

(3) A fire and casualty insurance company may contact directly the state fire marshal or the chief of an organized fire department to report fires where the company suspects arson.

(4) The state fire marshal, the chief of an organized fire department, a fire fighter or an employee of an organized fire department acting under the authority of the chief of the organized fire department, a peace officer, or any other fire prevention or fire department official designated by the state fire marshal may request in writing on a form prescribed and furnished by the state fire marshal that an insurance company or authorized agent of an insurance company investigating a fire loss of real or personal property release all information in possession of the company or an agent of the company relative to that loss. The company or agent shall release the

information to and cooperate with, each official authorized to request the information under this subsection. The information to be provided shall include each of the following: (a) Each insurance policy relevant to a fire loss under investigation and each application for the policy.

(b) The policy premium payment records of a policy described in subdivision (a).

(c) A history of previous claims made by the insured for fire loss.

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and other relevant evidence.

(5) If an insurance company has reason to suspect that a fire loss to the real or personal property of a policyholder of the company was caused by incendiary means, the company shall notify the state fire marshal and shall furnish the state fire marshal with all relevant material acquired during its investigation of the fire loss.

(6) In the absence of fraud or malice, an insurance company or a person who furnishes information on behalf of an insurance company shall not be liable for damages in a civil action or be subject to criminal prosecution for an oral or written statement made or other action taken which is necessary to supply the information required pursuant to this section.

(7) Officials and other persons receiving information furnished pursuant to subsection (4) shall hold the information in confidence until release of the information is required in the course of or pursuant to a criminal or civil proceeding. A person prescribed in subsection (4) may be required to testify as to information in his or her possession regarding a fire loss of real or personal property in any civil action or administrative hearing held pursuant to Act No. 218 of the Public Acts of 1956, as amended, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, in which a person seeks recovery under a policy against an insurance company for the fire loss or files a complaint with the commissioner of insurance relative to the refusal of an insurance company to pay under a policy for a fire loss sustained by the person.

(8) As used in this section, "insurance company" means an insurer authorized to transact property, fire, or casualty insurance in this state and an agent of the insurer, and includes an insurance association, pool, or facility created and operating pursuant to Act No. 218 of the Public Acts of 1956, as amended.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.4 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1978, Act 160, Imd. Eff. May 22, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980;—Am. 1980, Act 516, Imd. Eff. Jan. 26, 1981 .

29.5 Hazardous materials or other substances. [M.S.A. 4.559(5)]

Sec. 5. Hazardous materials or other substances, including alcohol, gunpowder, dynamite, crude petroleum or any of its products, fuel oils, pyroxylin, combustible finishes, and other commodities of a similar nature or quality shall be manufactured, kept or stored, sold, transported, or otherwise handled or disposed of in a manner and by a method as not to constitute a fire hazard or a menace to the public peace, health, or safety, or to endanger or cause loss, injury, or damage to persons or property.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.5 ;—Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.5a Inspection of vehicle transporting hazardous material; violation; notice of condemnation; allowing vehicle to proceed to make deliveries; return and repair of vehicle; impounding vehicle; temporary release; notice of correction of conditions; reinspection; release upon compliance and payment of expenses; notice to state fire marshal; conduct by official. [M.S.A. 4.559(5a)]

Sec. 5a. (1) The state fire marshal, the chief of an organized fire department or police department, a peace officer, or a fire fighter in uniform, which fire fighter is acting under the orders and directions of the local fire chief, may inspect a vehicle transporting a hazardous material. Except as otherwise provided in subsection (3), if upon inspection a vehicle is found to be in violation of the rules with respect to safety equipment, the state fire marshal or the

inspecting chief, fire fighter, or peace officer shall attach to the vehicle a notice identifying the vehicle and stating that it is condemned against further use in the transportation of hazardous material, and listing the violations found. If the vehicle is en route to a destination where its load is to be delivered, the state fire marshal, chief, fire fighter, or peace officer, except as otherwise provided in this act, shall allow the vehicle to proceed to make deliveries after which the vehicle shall be returned to its base or customary place of maintenance and repair or taken to a suitable place for repair. If, upon inspection, a vehicle while en route to a delivery destination is found to be in a condition such that further operation under normal road and traffic conditions is likely to result in spillage of hazardous material, the state fire marshal, chief, fire fighter, or peace officer shall cause the vehicle to be impounded. The vehicle shall be impounded at a suitable place where the hazardous material being transported can be unloaded with reasonable safety, and until the unloading is accomplished and arrangements are made to return the vehicle with reasonable safety to its base or customary place of maintenance and repair, or to move the vehicle to a suitable place of repair. If, upon inspection, the braking, lighting, steering, coupling, sounding, or other devices on a vehicle are found to be in a condition such that the vehicle cannot be operated by a prudent operator without undue risk of accident, the state fire marshal, chief, fire fighter, or peace officer shall cause the vehicle to be impounded at a suitable place until the necessary repairs are made.

(2) Except as provided for in this act, a vehicle condemned pursuant to this act shall not again be used in transporting hazardous material until released as provided for in this section. Upon being returned to its base or customary place of maintenance and repair, or to a suitable place of repair, the condemned vehicle may be impounded there upon order of the state fire marshal until the conditions for which the condemnation was issued have been corrected. However, the state fire marshal may authorize the temporary release of the condemned vehicle for a reasonable time as may be needed to procure parts or appurtenances necessary for correction of the conditions for which condemnation was issued. Upon correction of the conditions, the state fire marshal, chief of an organized fire department or police department, a peace officer, or a fire fighter in uniform, which fire fighter is acting under a chief's direction, shall be notified and shall reinspect the vehicle. The state fire marshal, chief, peace officer, or fire fighter shall release the vehicle, if upon reinspection, the vehicle is found to be in compliance with this act and the rules promulgated pursuant to this act, and if reasonable impounding expenses have been paid by the owner of the vehicle. A person inspecting a vehicle pursuant to this act shall notify the state fire marshal under rules promulgated under this act, of the circumstances and conditions of each violation, condemnation, impounding, and release.

(3) Notwithstanding subsections (1) and (2), an official named in subsection (1) inspecting a commercial motor vehicle under the authority of this section shall affix notices, and place vehicles and drivers out of service, only as provided under the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, and as provided under the out of service criteria issued under the authority of the commercial vehicle safety alliance. As used in this subsection, "commercial motor vehicle" means that term as defined in Act No. 181 of the Public Acts of 1963.

History: Add. 1952, Act 113, Eff. Sept. 18, 1952 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler's Note: Section 3 of Act 247 of 1980 provides: "The total costs of the hazardous materials transport vehicles and storage facilities program shall be financed from the fees established pursuant to section 5d. If it appears that after the effective date of section 5d(4) that the revenues derived from the fees provided by section 5d will not be adequate to fund the program at the staffing level provided for the fiscal year beginning October 1, 1980, the staffing level shall be reduced to a level that can be supported by the available revenues."

Admin Rule: R 29.2201 et seq.; R 29.2501 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.5b Repealed. 1996, Act 152, Imd. Eff. Mar. 25, 1996. [M.S.A. 4.559(5b)]

Compiler's Note: The repealed section pertained to certification of vehicle designed or used for transportation of hazardous material.

29.5c Filling or storage locations; certificate; approval of state fire marshal; exception.

Sec. 5c. (1) A firm or person shall not establish or maintain 1 or more of the following without obtaining a certificate from the state fire marshal: (a) A flammable compressed gas or liquefied petroleum gas container filling location.

(b) An aboveground flammable compressed gas or liquefied petroleum gas storage location which has a tank with a water capacity of more than 2,000 gallons or has 2 or more tanks with an aggregate water capacity of more than 4,000 gallons.

(c) An aboveground storage location for a flammable liquid or combustible liquid, which storage location has an individual tank storage capacity of more than 1,100 gallons. Crude petroleum collection tanks that receive crude petroleum directly from a wellhead and are certified by the state fire marshal may be maintained without further inspection by the state fire marshal, except as the state fire marshal may consider necessary to assure compliance with this act.

(2) The state fire marshal may require that persons or firms obtain approval from the state fire marshal before the installation of an aboveground storage tank for flammable or combustible liquids having an individual tank storage capacity of 1,100 gallons or less. However, this requirement does not apply to farm location storage tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes or heating oil for consumptive use on the premises where stored.

History: Add. 1952, Act 113, Eff. Sept. 18, 1952 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;— Am. 1987, Act 270, Eff. June 29, 1987 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler's Note: Section 3 of Act 247 of 1980 provides: "The total costs of the hazardous materials transport vehicles and storage facilities program shall be financed from the fees established pursuant to section 5d. If it appears that after the effective date of section 5d(4) that the revenues derived from the fees provided by section 5d will not be adequate to fund the program at the staffing level provided for the fiscal year beginning October 1, 1980, the staffing level shall be reduced to a level that can be supported by the available revenues." For transfer of powers and duties relating to the above ground storage tank program and the inspection of dry cleaning establishments from the department of state police to the department of environmental quality, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

Admin Rule: R 29.2201 et seq.; R 29.2501 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.5d Issuance of certificates; authorization to conduct inspections; annual fee; revocation of authorization; exemptions; review of procedures; installation application; fee per tank; waiver; payment and amount of fees; certain local ordinance prohibited; collection and disposition of fees; creation of hazardous materials storage tank regulatory enforcement fund. [M.S.A. 4.559(5d)]

Sec. 5d. (1) The certificates specified in section 5c shall be issued every 3 years by the state fire marshal after the state fire marshal determines by an inspection that the firm location is in satisfactory compliance with this act. The board may authorize a firm specified in section 5c to conduct inspections required in this section after application to the state fire marshal and payment of an annual fee of \$1,000.00. Upon annual determination by the state fire marshal that the firm is in satisfactory compliance with this act, the state fire marshal may recommend to the board that the authorization be given. This authorization may be revoked by the board for cause. Firms authorized to conduct inspections required in this section shall be exempt from the fees provided in subsection (2). The state fire marshal may review procedures utilized by the firm to assure compliance with this act.

(2) Each firm required to be certified under section 5c shall submit an installation application to the state fire marshal according to rules promulgated under this act. Each firm shall pay a fee of \$203.00 per tank. This fee shall be submitted with the installation application to the state fire marshal. The state fire marshal shall not approve an installation application unless this fee has been paid as required in this subsection. Payment of this fee shall waive the first annual storage tank fee required in this subsection. The owner of a firm specified in section 5c shall pay an annual fee of \$61.50 for each tank located at each storage or filling location specified in section 5c. Fees required by this subsection shall be paid before the issuance of a certificate when storage tanks operated by firms described in section 5c are used and until such tanks are closed or removed, and notification of the closure or removal is received by the state fire marshal. Owners of firms described in section 5c shall notify the state fire marshal of the closure or removal of storage tanks within 30 days after closure or removal on a form provided by the state fire marshal. Storage tanks that receive crude petroleum directly from a wellhead are exempt from fees under this section.

(3) Beginning October 1, 1990, a local unit of government shall not enact or enforce a provision of an ordinance that requires a permit, license, approval, inspection, or the payment of a fee or tax for the installation, use, closure, or removal of an aboveground storage tank system.

(4) The fees specified in subsection (2) shall be collected and deposited into the hazardous materials storage tank regulatory enforcement fund created in subsection (5).

(5) The hazardous materials storage tank regulatory enforcement fund is created in the state treasury. The fund may receive money as provided in this act and as otherwise provided by law. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund. Money in the fund shall be used only by the department to enforce this act and the rules promulgated under this act pertaining to the delivery, dispensing, noncommercial transportation, or storage of hazardous materials. If at the close of any fiscal year the amount of money in the fund exceeds \$1,000,000.00, the department shall not collect a fee for the following year for the fund from existing storage tank systems. After the fee has been suspended under this subsection, it shall only be reinstated if at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of the preceding fiscal year.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;—Am. 1982, Act 38, Imd. Eff. Mar. 12, 1982 ;—Am. 1982, Act 205, Imd. Eff. July 1, 1982 ;—Am. 1987, Act 70, Imd. Eff. June 29, 1987;—Am. 1990, Act 337, Imd. Eff. Dec. 21, 1990 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler's Note: Section 3 of Act 247 of 1980 provides: "The total costs of the hazardous materials transport vehicles and storage facilities program shall be financed from the fees established pursuant to section 5d. If it appears that after the effective date of section 5d(4) that the revenues derived from the fees provided by section 5d will not be adequate to fund the program at the staffing level provided for the fiscal year beginning October 1, 1980, the staffing level shall be reduced to a level that can be supported by the available revenues."

Admin Rule: R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.5e Finding of noncompliance; revoking or denying renewal of certificate; order. [M.S.A. 4.559(5e)]

Sec. 5e. Upon a finding of noncompliance with this act, or rules promulgated pursuant to this act, the state fire marshal may revoke or deny the renewal of a certificate and order the firm required to be certified to cease all or part of its operation until the firm is in compliance.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Admin Rule: R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.5f Repealed. 1996, Act 152, Imd. Eff. Mar. 25, 1996. [M.S.A. 4.559(5f)]

Compiler's Note: The repealed section pertained to provisional certificates.

29.5g Fire, explosion, spill, leak, accident, or related occurrence; notice of details.

[M.S.A. 4.559(5g)]

Sec. 5g. Immediately following a fire, explosion, spill, leak, accident, or related occurrence which involves the transportation, storage, handling, sale, use, or processing of hazardous material by a firm, person, or vehicle, the owner of the firm or vehicle or the person and the chief of the first police department or organized fire department upon the scene of the incident shall notify the state fire marshal and the organized fire department of the area in which the incident occurred of the known details regarding the incident.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 ;—Am. 1987, Act 70, Imd. Eff. June 29, 1987 .

29.5h State fire marshal; duties generally. [M.S.A. 4.559(5h)]

Sec. 5h. After notification is made pursuant to section 5g, the state fire marshal shall do the following:

(a) Determine, with the organized fire department of the area in which the incident occurred, the emergency measures to be taken.

(b) Notify responsible federal, state, and local authorities and agencies. However, if the state fire marshal is notified of an incident outlined in section 5g by a person other than the owner of the firm or vehicle involved, the state fire marshal shall also notify the owner of the firm or vehicle involved.

(c) Cause an investigation to be made to determine the cause of the incident and to determine what related factors contributed to the cause of the incident and to the loss to life or property.

(d) Cause a report to be filed containing its findings related to the incident. A record of those reports shall be maintained by the state fire marshal.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.5i Dry cleaning operation using flammable liquid; certificate required; amount and adjustment of fee; effective date of section.

Sec. 5i. (1) Each location of a firm operating in this state which is engaged in a dry cleaning operation, using a flammable liquid, shall not be established or maintained without obtaining a certificate from the state fire marshal.

(2) A certificate shall not be issued until payment is made of a fee of \$15.00 for the first dry cleaning machine in the firm's location and \$6.00 for each additional dry cleaning machine in the firm's location. Beginning October 1, 1981, these fees shall be adjusted each year pursuant to the annual average percentage increase or decrease in the Detroit consumer price index—all items. The adjustment shall be made by multiplying the annual average percentage increase or decrease in the Detroit consumer price index for the prior calendar year by the current fee as adjusted by this subsection. The resultant product shall be added to the current fee as adjusted by this subsection and then rounded off to the nearest half dollar which shall be the new fee.

(3) This section shall not take effect until 1 year after the effective date of section 2b.

History: Add. 1980, Act 247, Eff. Oct. 1, 1981 .

Compiler's Note: For transfer of powers and duties relating to the above ground storage tank program and the inspection of dry cleaning establishments from the department of state police to the department of environmental quality, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.5j Terminal at which tank filled by pipeline; high level alarm system; testing; plans and specifications; final inspection; fire and emergency plan. [M.S.A. 4.559(5j)]

Sec. 5j. (1) Each terminal at which a tank filled by pipeline is located shall comply with the following requirements:

(a) Each terminal shall be equipped with a high level alarm system.

(b) The high level alarm system shall be set to activate at a predetermined level in each tank filled by pipeline at the terminal to allow sufficient time for the flow of the flammable liquid to be shut down before the tank overfills. The level shall be determined by the maximum filling rate expected and the time required for personnel to take appropriate action to stop the flow of the flammable liquid.

(c) The high level alarm system shall be maintained in accordance with its manufacturer's recommendations.

(d) The high level alarm system shall be tested every 3 months by the owner of the terminal and a record of the test shall be maintained.

(2) Devices used in the high level alarm system shall be tested for their intended use by a nationally recognized testing laboratory as determined by the state fire marshal.

(3) Plans and specifications for the high level alarm system shall be submitted to the state fire marshal for approval before the installation of the system.

(4) Upon the completion of the installation of the high level alarm system, the state fire marshal shall be notified and a final inspection shall be made to determine if the installation is in compliance with this section.

(5) The owner of the terminal shall develop a fire and emergency plan in conjunction with the organized fire department having jurisdiction over the terminal.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5k Attended terminal at which tank filled by pipeline; high level alarm system.

[M.S.A. 4.559(5k)]

Sec. 5k. In addition to the requirements specified in section 5j, each attended terminal at which a tank filled by a pipeline is located shall comply with the following requirements:

(a) The high level alarm system at the terminal shall provide an audible sound of sufficient decibels to alert personnel responsible for taking corrective action.

(b) The high level alarm system at the terminal shall be electrically self-supervised and equipped with an audible trouble alarm which has a distinctive sound that is not used for any other purpose. The audible trouble alarm shall sound upon the occurrence of any of the following:

(i) A loss of the main electrical operating power.

(ii) An electrical break or ground fault in the alarm initiating circuit or the signaling device circuit.

(iii) The derangement of the high level alarm system control equipment.

(iv) The removal of initiating devices.

(v) The electrical derangement of the signaling devices.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5l Unattended terminal at which tank filled by pipeline; high level alarm system.

[M.S.A. 4.559(5-l)]

Sec. 5l. In addition to the requirements specified in section 5j, each unattended terminal at which a tank filled by pipeline is located shall comply with the following requirements:

(a) The high level alarm system shall be capable of systematically shutting off or diverting the flow of the flammable liquid at the point of origin or at the point of receipt.

(b) The high level alarm system shall be capable of systematically shutting off or diverting the flow of the flammable liquid, in the event of a power failure at the point of origin or at the point of receipt.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5m Remote control terminal at which tank filled by pipeline; high level alarm system; equipment; sounding of audible trouble alarm. [M.S.A. 4.559(5m)]

Sec. 5m. In addition to the requirements specified in section 5j, each remote control terminal at which a tank filled by pipeline is located shall be equipped with a high level alarm system which

is fail-safe and will provide an audible trouble signal at the remote control point. The audible trouble alarm shall sound upon the occurrence of any of the following:

- (a) A loss of the main electrical operating power.
- (b) An electrical break or ground fault in the alarm initiating circuit or the signaling device circuit.
- (c) The derangement of the high level alarm system control equipment.
- (d) The removal of initiating devices.
- (e) The electrical derangement of the signaling devices.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5n Delivery of flammable liquid into above ground liquid storage tank by pipeline at remote control terminal; conditions. [M.S.A. 4.559(5n)]

Sec. 5n. A firm shall not deliver a flammable liquid having a flash point below 100 degrees Fahrenheit directly into an above ground liquid storage tank by pipeline at a remote control terminal unless the firm does each of the following:

(a) Furnishes to the state fire marshal, and receives the approval from the state fire marshal of, a detailed description of the firm's capabilities and procedures to deliver a flammable liquid by remote control to an above ground liquid storage tank.

(b) Furnishes to the state fire marshal, and receives the approval from the state fire marshal of, a description of the firm's procedures to be followed if an above ground storage tank is overfilled.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5o Additional safety equipment and procedures required by state fire marshal; requesting variation of requirements; local ordinances. [M.S.A. 4.559(5o)]

Sec. 5o. (1) The state fire marshal may, at the request of the organized fire department having jurisdiction over a terminal, require additional safety equipment and procedures when the public safety is endangered.

(2) A person may request a variation of the requirements of section 5j, 5k, 5l, 5m, or 5n, or subsection (1), under the procedures provided in section 3c.

(3) A local unit of government shall not enact an ordinance or ordinances more restrictive than the requirements included in sections 5j through 5n of this act.

History: Add. 1981, Act 186, Imd. Eff. Dec. 23, 1981 .

29.5p Information regarding hazardous chemicals in workplace; request; list; material safety data sheet; description of quantity and location of hazardous chemical; time extension; availability of information; rules; update of information; limitation. [M.S.A. 4.559(5p)]

Sec. 5p. (1) A person who is also an employer under the Michigan occupational safety and health act, Act No. 154 of the Public Acts of 1974, being sections 408.1001 to 408.1094 of the Michigan Compiled Laws, shall provide the information described in this section upon written request by the chief of the organized fire department for the jurisdiction in which the person is located.

(2) A person subject to this section shall provide a copy of the list required to be developed by the standard incorporated by reference in section 14a of the Michigan occupational safety and health act and a material safety data sheet for each hazardous chemical identified on the list within 10 working days after receipt of the request.

(3) Except as otherwise provided in subsection (4), a person subject to this section shall provide a description of the quantity and location of any hazardous chemical specified by the chief of the organized fire department within 10 working days after the receipt of a written request made by the chief after review of the lists provided under subsection (2). Upon request, the chief of the organized fire department may extend the period for providing the information described in this subsection by an additional 5 working days. The information obtained by a chief of an organized fire department under this subsection may be made available to a public official, agency, or

employee, but is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(4) The state fire marshal may promulgate rules to exempt from the application of subsection (3) de minimis and portable quantities of hazardous chemicals. A rule authorized by this subsection shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(5) A person subject to this section shall provide to the chief of the organized fire department a written update of the information required by this section when there is a significant change relating to fire hazards in the quantity, location, or presence of hazardous chemicals in the workplace.

(6) An ordinance, law, rule, regulation, policy, or practice of a city, township, village, county, governmental authority created by statute, or other political subdivision of the state shall not require that a person who is also an employer under the Michigan occupational safety and health act provide to a chief of an organized fire department information regarding hazardous chemicals in the workplace in any other manner or to any greater extent than is required by this section or rules authorized by this section.

History: Add. 1986, Act 67, Eff. Apr. 7, 1986 .

29.6 Investigation and inquiry into cause or origin of fire; entering and inspecting building or premises. [M.S.A. 4.559(6)]

Sec. 6 (1). The state fire marshal may investigate and inquire into the cause or origin of a fire occurring in this state resulting in the loss of life or damage to property and for those purposes may enter, without restraint or liability for trespass, a building or premises and inspect the building or premises and the contents and occupancies of the building or premises.

(2) The state fire marshal shall investigate, and prepare a report of the investigation, if a demonstration fire results in the injury or death of an individual who is not a firefighter. As used in this subsection, “demonstration fire” means a fire intentionally set by a fire department for training or other legitimate purposes.

(3) The chief of a fire department shall immediately report to the state fire marshal any injury to or death of a person who is not a firefighter resulting from a demonstration fire.

(4) If a firefighter dies or suffers a reportable injury as defined under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, resulting from a demonstration fire, the department of consumer and industry services shall provide a copy of any report of the death or reportable injury to the state fire marshal.

(5) As used in this section, “injury” means an injury that requires prompt medical attention by trained medical personnel.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.6 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;— Am.1978, Act 3, Imd. Eff. Feb. 7, 1978;— Am. 2001, Act 32, Imd. Eff. June 29, 2001.

Constitutionality: To preserve the constitutionality of this section, a warrant requirement must be read into it. *People v. Tyler*, 399 Mich. 564, 250 N.W.2d 467 (1977).

29.7 Crime or other offense committed in connection with fire; inquiry; subpoenas; oaths or affirmations; perjury; aid of circuit court; court order; contempt; self-incrimination; exception.

Sec. 7. (1) If the state fire marshal has reason to believe that a crime or other offense has been committed in connection with a fire, the state fire marshal may conduct an inquiry with relation to the fire. The inquiry shall be held at the time and place the state fire marshal directs and may be continued from time to time and to the place the state fire marshal directs.

(2) The state fire marshal may issue subpoenas to compel the attendance of witnesses to testify at the inquiry and for the production of books, records, papers, documents, or other writings or things considered material to the inquiry, may administer oaths or affirmations to witnesses, and may cause testimony to be taken stenographically and transcribed and preserved. Willful false swearing by a witness is perjury.

(3) If a subpoena is disobeyed, the state fire marshal may invoke the aid of the circuit court in requiring the attendance and testimony of witnesses and the production of books, records, papers, documents, or other writings or things considered material to the inquiry. A judge of the circuit court having jurisdiction in the county in which the inquiry is conducted may issue an order requiring the person to appear before the state fire marshal and to produce books, records, papers, documents, or other writings or things considered material to the inquiry and give evidence concerning the matter in question. Failure to obey the court's order may be punished as contempt of the court.

(4) A person shall not be excused from testifying or from producing books, records, papers, documents, or other writings or things considered material to the inquiry in an investigation or at a hearing when ordered to do so by the state fire marshal on the ground that the testimony or evidence may tend to incriminate the person or subject the person to a criminal penalty. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury, making a false statement, or otherwise failing to testify or produce evidence as required.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.7 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1999, Act 252, Imd. Eff. Dec. 28, 1999 .

29.7a Conditions dangerous to persons or property; restrictions and requirements; investigation of causes and effects. [M.S.A. 4.559(7a)]

Sec. 7a. (1) If the state fire marshal or the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and directions of the commanding officer determines a dangerous condition exists, the state fire marshal, the commanding officer of the fire department of a city, village, township, or county, or the fire fighter in uniform acting under the orders and direction of the commanding officer upon finding an emergency condition dangerous to persons or property, may take all necessary steps and prescribe all necessary restrictions and requirements to protect persons and property until the dangerous condition is abated.

(2) The state fire marshal, the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and directions of the commanding officer, responding to a fire or emergency call, who, upon arriving at the scene of a fire or emergency, finds a condition dangerous to persons or property, may take all necessary steps and requirements to protect persons and property until the dangerous condition is abated.

(3) The state fire marshal or the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and direction of the commanding officer may investigate causes and effects related to dangerous conditions.

History: Add. 1952, Act 26, Eff. Sept. 18, 1952 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.7b Tents; requirements for resistance to fire; exceptions; camping tentage of new manufacture. [M.S.A. 4.559(7b)]

Sec. 7b. (1) The following items shall meet the appropriate requirements for resistance to fire prescribed in the standard methods of fire tests for flame-resistant textiles, films, national fire protection association No. 701-1969: (a) A tent which may be occupied or furnished for public assembly by 50 or more people.

(b) A tent in which animals are stabled for public exhibition or sale.

(c) A tent located within a building used by the public.

(d) All tarpaulins and decorative material used in connection with any of the above.

(2) A safety net or tent used for recreational camping is exempt from this section.

(3) After October 1, 1975, all camping tentage of new manufacture sold in this state shall comply with the provisions for resistance to fire as prescribed in the specification for flame-resistant materials used in camping tentage, canvas products association international-84, 1974, or another nationally recognized standard that is acceptable to the director.

History: Add. 1972, Act 131, Imd. Eff. May 11, 1972 ;—Am. 1972, Act 269, Imd. Eff. Oct. 11, 1972 ;—Am. 1973, Act 4, Imd. Eff. Mar. 29, 1973 ;—Am. 1975, Act 172, Imd. Eff. July 20, 1975 .

29.7c Liability of persons providing assistance upon request of state fire marshal; issuance of identification. [M.S.A. 4.559(7c)]

Sec. 7c. (1) A person who provides assistance upon request of the state fire marshal following an accident or during an emergency which accident or emergency involves the handling, transportation, or storage of a hazardous material shall not be liable in a civil action for damages as a result of an act or omission by the person arising out of and in the course of the person's good faith rendering of that assistance unless the person's act or omission was the result of that person's gross negligence or wilful misconduct.

(2) Subsection (1) shall not apply to a person rendering assistance for remuneration beyond reimbursement for out of pocket expenses in connection with the assistance.

(3) This section does not grant immunity to a person who causes an accident or emergency as described in subsection (1).

(4) The state fire marshal may issue identification to persons called upon to provide assistance pursuant to subsection (1).

History: Add. 1984, Act 314, Imd. Eff. Dec. 21, 1984 .

29.8 Fire hazard; inspection and examination of building or premises; findings, report, and recommendations. [M.S.A. 4.559(8)]

Sec. 8. The state fire marshal, or the chief of an organized fire department, regular or voluntary, or a fire fighter in uniform acting under the orders and directions of the local fire chief; or the clerk of a city, village, township, or county not having an organized fire department, or the managing head of an organized fire district in this state, upon complaint of a person having an interest in a building or premises or property adjacent to a building or premises, or at the official's own instance without a complaint and without restraint or liability for trespass, may at an hour reasonable under the circumstances involved, enter into and upon a building or premises within the official's jurisdictions for the purpose of inspection and examination of the building or premises, together with their occupancies and contents, for the discovery of the existence of a fire hazard. When an official finds a building or premises, either public or private, which for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, defective electrical wiring or electrical equipment, defective chimneys, defective gas connections, defective heating apparatus, accumulation of rubbish, waste materials, or flammable substances or decorations, or from any other condition, or for any other reason, may cause an otherwise preventable fire or explosion or endanger other property or premises or be dangerous to the public peace, security, or safety, the official may reduce to writing the official's findings on the inspection and examination and file the same with the department, with a report stating the ownership, location, and description of the building or buildings or premises inspected, and with other data and information as the state fire marshal prescribes in those cases, together with recommendations relative to the abatement of the fire hazard.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.8 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965;— Am.1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.9 Fire hazard; determination; order; compliance; refusal to obey order; service on unknown owner; enforcement of ordinances or charter provisions. [M.S.A. 4.559(9)]

Sec. 9. Upon the filing of the findings and report provided in section 8, the state fire marshal, from the findings and report or from an additional report or investigation the state fire marshal

considers necessary, may make a determination as to whether, and to what extent the building should be repaired or whether the building should be razed and completely removed; whether the use or occupancy of the building, or buildings, should be changed or terminated; and, in the case of premises other than buildings, to what extent the building should be cleared or improved or the hazardous condition remedied. The state fire marshal may make any other or further determination which, in the opinion of the state fire marshal, should be made to effectively protect the peace, security, and safety of persons and property. Following the determination of the state fire marshal, the state fire marshal may make and execute an order directed to the owner of the building or premises, based upon the determination, and cause the same to be served upon the owner and other parties as the state fire marshal considers to be interested in the subject matter of the order. If the order requires a building to be repaired, the owner shall be given not less than 10 days after the date of service of the order to signify in writing an intention to comply with the order. If the order requires the building to be torn down, removed, or repaired, the owner of the building shall be given not less than 30 days after the date of service of the order to comply with the order. Failure on the part of an owner served with an order to repair to signify an intention within the time limits prescribed in this section shall be considered a refusal to obey the order. If the owner of the building or premises is unknown, service may be made as provided in section 10(c). This section shall not be construed to prevent a local unit of government from enforcing local ordinances or charter provisions relating to the occupancy, repair, demolition, clearing, or otherwise rendering safe a building which is in a hazardous or dangerous condition.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.9 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 .

29.10 Service of orders. [M.S.A. 4.559(10)]

Sec. 10. Service of the order of the state fire marshal provided for in section 9, or of any other order made by the state fire marshal pursuant to this act, may be made in the following manner:

(a) By personally delivering a copy of the order to the person or persons to whom it is directed within this state.

(b) By delivering a copy of the order by registered mail, addressed to the last known post-office address of the addressee, and deliverable to the addressee only, with return receipt demanded, which service by registered mail shall be considered personal and not substituted service.

(c) If a person to whom the order is directed cannot be found or does not have a known post-office address or is not a resident of this state, then service of the order may be made by publication in a newspaper published or circulating in the county in which the property or premises described in the order is situated, once in each week for 3 successive weeks, the last publication to be made at least 10 days before the date of performance specified in the order.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.10 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.11 Substantial compliance with §§29.8 and 29.9. [M.S.A. 4.559(11)]

Sec. 11. A substantial compliance with the requirements of sections 8 and 9 shall be sufficient to give full force and effect to a order of the state fire marshal and the order shall not be declared invalid, inoperative, or void for an omission or for a reason not affecting the merit and substance of the subject matter of the order.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.11 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.12 Orders presumed valid and reasonable; prima facie evidence. [M.S.A. 4.559(12)]

Sec. 12. Each order issued by the state fire marshal under section 9 shall be presumed to be valid and reasonable and shall be prima facie evidence of the truth of the matters and things set forth in the order.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.12 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.13 Noncompliance with order; filing petition in circuit court; contents of petition; order to show cause; service of order; hearing; determination; modifying, changing, or affirming order; failure to appear or make return; securing specific performance; injunction prohibited. [M.S.A. 4.559(13)]

Sec. 13. If at the expiration of the time specified in an order to repair a building, the owner has failed to signify in writing an intention to make the repairs, or if at expiration of the time prescribed in an order to raze or remove a building, or to clear and improve premises, the owner has failed to comply with the order, the state fire marshal may file in the circuit court of the county in which the building or premises is situated a petition signed and verified by the state fire marshal, setting forth the facts relating to the making and service of the order, and praying for the issuance of an order to show cause under the rules and practices of the court. Upon the filing of the petition, and the presentation of the petition to the court either in chambers or otherwise, the court shall immediately issue an order requiring the defendant or defendants named in the petition to show cause at a time specified in the order why the order of the state fire marshal should not be complied with. Service of the order shall be made in a manner and within a time as the court directs. Upon the return day fixed in the order the cause shall stand to be heard upon the petition and the return of the respondent, without further pleadings, and proofs taken in open court, and the court shall make a determination as considered just and proper. The court may modify or change the order of the state fire marshal according to the facts and circumstances as shown by the proofs, or may affirm the order and direct compliance with the order upon terms and conditions as the court imposes. If a respondent named in the order to show cause fails to appear or make return, that failure shall be taken as an admission of the facts alleged in the petition, and the court may take the proofs as considered required and make determination of the cause as provided in this section. The court may retain jurisdiction of the cause during a time as it determines to secure specific performance of the order or direction of the court in the premises. An injunction shall not issue to stay any of the proceedings in the cause.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.13 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.14 Notice of pendency of proceedings under order; filing for record; constructive notice; order and proceedings not affected by subsequent transfer. [M.S.A. 4.559(14)]

Sec. 14. The state fire marshal, upon the issuance of the order provided for in section 9, may make and file for record in the office of the register of deeds of the county in which the land, building, or premises described in the order is situated a notice of pendency of proceedings under the order, which filing shall be constructive notice to subsequent grantees, mortgagees, tenants, or other occupants of the lands of the pendency of abatement proceedings as well as of court proceedings which shall later be instituted as provided in this act, and the order and court proceedings shall not be affected by a subsequent transfer of ownership, possession, or encumbrance of the lands, buildings, or premises.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.14 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.15 Other persons as parties defendant; service of order to show cause. [M.S.A. 4.559(15)]

Sec. 15. A mortgagee of record shall be, and any other lien holder, person in possession, other than the owner, and all other persons interested in the lands or premises described in the petition described in section 13, may be brought in as a party defendant to the cause by the service on the lien holder or other person at least 10 days before the return day of the order, or in any other manner as the court directs, of a copy of the order to show cause. It shall not be necessary to serve upon the lien holder or other person the order of the state fire marshal described in section 9.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.15 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.16 Noncompliance with order or direction of court as contempt; citation; execution of order and directions; cost and expense of executing order; use of salvaged materials; disposition of surplus. [M.S.A. 4.559(16)]

Sec. 16. (1) The refusal or failure of a defendant to comply with the terms of an order or direction of the court in the premises, within the time limited for compliance, shall be considered contempt of court for which the respondent may be cited to appear and answer in the same manner as in other cases of contempt of court. Upon the refusal or failure the court may order the state fire marshal to execute the order and directions and abate the fire hazard and for the purpose of executing the order and directions, to enter upon the premises and employ, or contract for, labor, tools, implements, or other assistance as is necessary for the performance of the work. The amount of the cost and expense of executing the order shall be a lien upon the lands and premises enforceable and collectible in the same manner as provided by law in the case of mechanics' liens.

(2) Salvage of materials made in the abatement of the fire hazard may be used by the state fire marshal for defraying the cost and expense of executing the order or directions of the court to the extent of the cost and expense and the discharge of the lien. A surplus over and above the cost and expense shall belong to the owner of the premises.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.16 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.17 Acquisition of title by state not to exempt property from act. [M.S.A. 4.559(17)]

Sec. 17. In case the title to any lands upon which a building constituting a fire hazard is situated should become vested in the state or any political subdivision of this state, or any department, board or other agency thereof, either before or after the issuance of the order described in section 9 hereof, such building or fire hazard shall be subject in all cases to the provisions of this act.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.17 .

29.18 Service of order or process; return of service. [M.S.A. 4.559(18)]

Sec. 18. An officer of the department may serve an order or process of court issued under the authority of this act, and the officer may make return of service under his certificate in the same manner as is provided by law for return of service of process by the sheriff of a county.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.18 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 .

29.19 Fire drills in schools, colleges, universities, and school dormitories; unlocking doors and exits; compliance; record; minimum drills; weather conditions; tornado safety drills; location of drills; protective apparatus or equipment.

Sec. 19. (1) The chief administrative officer and the teachers of all schools, including state supported schools, colleges, and universities and the owner, or owner's representative, of all school dormitories shall have a fire drill each month and keep all doors and exits unlocked during school hours, and when the school is open to the public. Each teacher in a school, including a state supported school, college, or university and the owner or owner's representative of a dormitory shall comply with these requirements and keep a record of the drills.

(2) A minimum of 8 fire drills is required for each school year. If weather conditions do not permit fire drills to be held at least once a month, then at least 5 fire drills shall be held in the fall of each year and 3 fire drills shall be held during the remaining part of the school year.

(3) A minimum of 2 tornado safety drills is required for each school year at the schools and facilities described in subsection (1). These drills shall be conducted for the purpose of preventing fires and related hazards and injuries caused by severe weather.

(4) The state fire marshal or the chief of the fire department or a fire fighter in uniform acting under orders and directions of the fire chief may cause fire drills to be held in school houses, school dormitories, and other public buildings as the state fire marshal considers advisable. The state fire marshal may order the installation of other protective apparatus or equipment that conforms to recognized and approved modern practices.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.19 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1998, Act 45, Imd. Eff. Mar. 30, 1998 .

Compiler's Note: For transfer of powers and duties of the state fire marshal division programs relating to fire drills in schools, colleges, universities, and school dormitories from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.20, 29.21 Repealed. 1978, Act 3, Imd. Eff. Feb. 7, 1978. [M.S.A. 4.559(20), 4.559(21)]

Compiler's Note: The repealed sections pertained to fire escapes, exits, and aisle clearances.

29.21a Fire extinguishers or fire extinguishing devices. [M.S.A. 4.559(21.1)]

Sec. 21a. (1) Except as provided in subsection (2), a person shall not sell, give, offer for sale, install for use, or allow to remain installed for use a fire extinguisher or fire extinguishing device containing an active agent having a level of vapor toxicity equal to or greater than any of the following listed materials, or a fire extinguisher or fire extinguishing device containing an active agent or propellant whose thermal decomposition product or products have a level of vapor toxicity equal to or greater than any of the following listed materials: (a) Carbon tetrachloride, CCl₄

(b) Chlorobromomethane, CH₂ BrC l

(c) Azeotropic chlormethane, CM-7

(d) Dibromodifluoromethane, CBr₂ F₂

(e) 1,2-dibromo-2-chloro-1,1,2-trifluoroethane, CBr-F₂ CBrClF

(f) 1,2-dibromo-2,2-difluoroethane, CH₂BrCBrF₂

(g) Methyl bromide, CH₃ Br

(h) Ethylene dibromide, CH₂ BrCH₂ Br

(i) Hydrogen bromide, HBr

(j) Methylene bromide, CH₂Br₂

(k) Bromodifluoromethane, CHBrF₂

(2) A person may sell, give, offer for sale, install for use or allow to remain installed for use, a fire extinguisher or fire extinguisher device which contains, in addition to an inert propellant, bromotrifluoromethane or bromochlorodifluoromethane, or a combination of bromotrifluoromethane and bromochlorodifluoromethane.

History: Add. 1961, Act 102, Eff. Sept. 8, 1961 ;—Am. 1967, Act 106, Eff. Aug. 1, 1967 ;—Am. 1968, Act 321, Imd.Eff. July 3, 1968 ;—Am. 1983, Act 93, Imd. Eff. June 17, 1983 .

29.21b Fire extinguishers; liquefied compressed gas, toxicity.

Sec. 21b. Notwithstanding the provisions of section 21a, liquefied compressed gas extinguishing agents meeting the following conditions of toxicity and use may be used in properly engineered fire extinguishing or fire control systems:

(a) The agent in its normal state does not fall within the definition of subsection (1) of section 21a.

(b) The compound is used only under conditions approved by the national fire protection association and a nationally recognized independent testing laboratory that has considered the hazard of the thermal decomposition products and use approved by the state fire marshal.

History: Add. 1970, Act 163, Imd. Eff. Aug. 2, 1970 .

Compiler's Note: For transfer of powers and duties of the state fire marshal division programs relative to fire extinguishing compound use approval from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.21c Place of public assemblage; inspection; certificate required.

Sec. 21c. (1) The state fire marshal or, upon written request of the governing body of a city, village, township, or county and the approval of the state fire marshal, the chief of an organized fire department or a fire fighter in uniform acting under the orders and directions of a local fire chief, shall at least annually inspect each place of public assemblage to determine whether it is being maintained in compliance with this act.

(2) A place of public assemblage shall not be established or operated without obtaining a certificate from the state fire marshal indicating its maximum capacity and that it is in compliance with this act.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to inspection and certification of places of public assemblage from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.21d Place of public assemblage; issuance; display; revocation or denial; order to cease operation; provisional certificate.

Sec. 21d. (1) The certificate required in section 21c(2) shall be issued annually by the state fire marshal and shall be displayed in a conspicuous location in the place of public assemblage.

(2) If the place of public assemblage is not being maintained in compliance with this act, its certificate may be revoked or denied and it may be ordered to cease operation until it is in compliance.

(3) For 1 year after the effective date of this section, the state fire marshal may issue a provisional certificate for not more than 6 months to allow the place of public assemblage to be brought into compliance with this act.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to inspection and certification of places of public assemblage from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.21e Repealed. 1980, Act 247, Eff. Oct. 1, 1980. [M.S.A. 4.559(21.5)]

Compiler's Note: The repealed section pertained to maximum capacity of place of public assemblage.

29.22 Violations; penalties. [M.S.A. 4.559(22)]

Sec. 22. (1) Except as otherwise provided for in this act, a person who violates this act, or who maintains a fire hazard in violation of this act, or rule promulgated pursuant to this act, is guilty of a misdemeanor. In addition, the owner of a firm or vehicle operated in this state which is operated in violation of this act or the rules promulgated under this act shall pay a civil fine of \$200.00, if the violation creates a fire hazard or a likelihood that hazardous material will be released. Each civil fine collected shall be deposited in the general fund of this state.

(2) A member of the board who intentionally violates section 3b(6) shall be subject to the penalties prescribed in Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(3) If the board arbitrarily and capriciously violates section 3b(9) the board shall be subject to the penalties prescribed in Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—Am. 1945, Act 86, Imd. Eff. Apr. 11, 1945 ;—CL 1948, 29. 22;—Am. 1970, Act 212, Imd. Eff. Sept. 29, 1970 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1980, Act 247, Eff. Oct. 1, 1980 .

Admin Rule: R 28.101 et seq.; R 29.1 et seq.; R 29.551 et seq.; R 29.601 et seq.; R 29.1101 et seq.; R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; R 29.2801 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.

29.23 Fire hazard as nuisance; abatement; action; procedure; order or decree; writ of injunction; jurisdiction; cost and expense of abatement; continuance of hearing. [M.S.A. 4.559(23)]

Sec. 23. The existence of a fire hazard, of any nature, origin or cause, is declared to be a nuisance and the nuisance may be abated, removed, corrected, and its continuance enjoined in the manner provided by law for the abatement of nuisances. If the state fire marshal considers a fire hazard to be imminently dangerous or menacing to human life so that the public safety requires its immediate abatement, removal, correction, or discontinuance, the state fire marshal may bring, or cause to be brought, in the circuit court of the county in which the fire hazard is located, an action for the purpose of abating, removing, correcting, or discontinuing the fire hazard. Sections 3801 to 3840 of Act No. 236 of the Public Acts of 1961, being sections 600.3801 to 600.3840 of the Michigan Compiled Laws, shall be applicable to the procedure in the action. The court, in addition to the powers conferred by that act, may make any order or decree as considered necessary or expedient to ensure the safety and security of human life, and may direct that a building described in the bill of complaint be razed and removed and all rubbish and debris removed, or that the building be repaired and in what manner and to what extent. The court, in the order or decree, may direct and command the removal of occupancies of a building, and the discontinuance of any use of the building constituting a fire hazard or menace to human life, and may direct and command the clearing and improvement of premises as defined in this act and described in the bill of complaint. It may grant the issuance of a writ of injunction restraining the defendant from continuing the existence of a fire hazard and in the writ may include specific directions as to what shall be done by the defendant in the premises, and may retain jurisdiction of the cause for the time it shall determine to compel complete performance of the terms and conditions of an order, decree, writ, or other determination of the court in the premises. The court may direct that the abatement of the fire hazard be done by the department under instructions as the court may specify, and with provision for defraying the cost and expense of the abatement as the court considers equitable and authorized by this act. A continuance of a hearing of the cause shall not be granted except upon a clear showing of unavoidable circumstances. Jurisdiction of the court under this act shall not depend upon the amount of money, or value of property, involved.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.23 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.24 Annual report to governor; contents. [M.S.A. 4.559(24)]

Sec. 24. The state fire marshal shall include in the state fire marshal's annual report to the governor as required by law, a detailed account of the state fire marshal's administration of this act and of the receipts and disbursements made under this act, together with recommendations with reference to changes in this act as the state fire marshal considers expedient.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.24 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.25 Repeal; saving clause. [M.S.A. 4.559(25)]

Sec. 25. Act No. 178 of the Public Acts of 1915, as amended, being sections 603 to 620, inclusive, of the Compiled Laws of 1929, is hereby repealed, and all other acts or parts of acts in anywise conflicting with or contravening the provisions of this act are hereby repealed: Provided, That no pending suit or proceedings, or order of the commissioner as ex officio state fire marshal heretofore issued, shall abate or be in any way affected by such repeal, but the same shall continue in full force and effect.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.25 .

29.26 Firm; prohibited acts; certification requirements; subsections (1)(d) and (2) inapplicable to licensed architect or professional engineer.

Sec. 26. (1) Except as provided in section 27 and subsection (3), a firm located or operating in this state, unless certified under this section, shall not do any of the following: (a) Install, modify, or document the installation or modification of a required fire suppression system.

(b) Document the installation or modification of a required fire alarm system.

(c) Perform a test, service, inspection, or maintenance which has not been exempted by the rules promulgated by the state fire safety board on a required fire alarm system or required fire suppression system.

(d) Submit a drawing, print, or sketch of a required fire alarm system or required fire suppression system to the state fire marshal for approval pursuant to section 29.

(2) The state fire marshal shall certify a firm which submits a drawing, print, or sketch of a required fire alarm system or a required fire suppression system, or which installs, modifies, tests, services, inspects, maintains, or documents the installation or modification of a required fire alarm system or a required fire suppression system if the firm does both of the following: (a) Meets the requirements established by rules promulgated under section 3c.

(b) Pays a fee of \$150.00 to the state fire marshal.

(3) Subsections (1)(d) and (2) shall not apply to an architect or professional engineer licensed under article 20 of Act No. 299 of the Public Acts of 1980, as amended, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

Admin Rule: R 29.2801 et seq. of the Michigan Administrative Code.

29.27 Firm; provisional certification; application; fee; duration; certification under § 29.26.

Sec. 27. A firm located in this state, which for the preceding 24 months before the effective date of this section has installed, modified, tested, serviced, inspected, or maintained required fire alarm systems or required fire suppression systems, shall be granted a provisional certification upon filing with the state fire marshal an application for provisional certification. However, beginning 2 years after the effective date of this section, a firm granted provisional certification under this section shall not install, modify, test, service, inspect, or maintain a required fire suppression system or document the installation or modification of a required fire alarm system unless the firm is certified under section 26. Provisional certification shall be granted under this section only upon the payment of a fee of \$100.00.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.28 Display of certificate; maintenance and inspection of records; recertification; fees.

Sec. 28. (1) Each location of a firm certified under section 26 or 27 shall display the certificate issued by the state fire marshal or a duplicate of that certificate.

(2) Each firm certified under section 26 or 27 shall maintain a record of the installation, testing, service, inspection, maintenance, modification, and documentation of each required fire alarm system or required fire suppression system the firm installed, tested, modified, inspected, serviced, maintained, or documented pursuant to the rules promulgated by the fire safety board. A copy of that record shall be kept in the building or other location acceptable to the state fire marshal in which the system has been installed. The owner, operator, or a designated representative of the owner or operator of the building shall make the record available for inspection by the state fire marshal during normal business hours.

(3) Except as provided in section 27, a firm required to be certified under section 26 shall secure

recertification every 3 years and shall pay a fee of \$150.00 for the recertification.

(4) The fees specified in this section and sections 26, 27, and 29 shall be paid to the state fire marshal for implementation of sections 26 to 33.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

Admin Rule: R 29.2801 et seq. of the Michigan Administrative Code.

29.29 Installation or modification of required fire alarm system or fire suppression system; plans and specifications; approval; documentation; fee; form; testing, servicing, inspection, or maintenance of system; drawing; certification of firm.

Sec. 29. (1) Except as provided in subsection (7), before the installation or modification of a required fire alarm system or required fire suppression system, detailed plans and specifications of the system shall be submitted for approval to the state fire marshal.

(2) A firm which installs or modifies a required fire suppression system shall submit written documentation of the installation or modification of the system and a fee of \$40.00 to the state fire marshal.

(3) A firm which documents the installation or modification of a required fire alarm system shall submit written documentation of installation or modification of the system and a fee of \$40.00 to the state fire marshal.

(4) The documentation required in this section shall be on a form provided by the state fire marshal and shall state the following:

(a) That the system has been installed or modified pursuant to the specifications of the manufacturer for each of the components of the required fire alarm system or required fire suppression system and in compliance with all applicable state law.

(b) That the system has been tested and placed in proper operating condition under the supervision of an architect or professional engineer licensed under article 20 of Act No. 299 of the Public Acts of 1980, as amended, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws, or by an employee of a firm certified under section 26 or 27.

(5) The testing, servicing, inspection, or maintenance which is not exempt under rules promulgated by the state fire safety board of a required fire alarm system or required fire suppression system shall be performed by a firm certified under section 26 or 27. The testing, servicing, inspection, or maintenance of the required fire alarm system or required fire suppression system shall be noted and displayed at the location of the main control or other location acceptable to the state fire marshal and shall be filed with the owner, operator, or a designated representative of the owner or operator of the building in which the required fire alarm system or required fire suppression system is installed.

(6) A drawing which depicts the completed installation of the required fire alarm system or required fire suppression system shall be available to the state fire marshal or the fire safety inspector of the city, village, or township in which the building is located for use during an inspection of a required fire alarm system or required fire suppression system.

(7) A firm which installs, modifies, tests, services, inspects, or maintains a required fire suppression system or a required fire alarm system on its own premises shall be certified under section 26 or 27, but shall be required to provide detailed plans and specifications or documentation of the system only upon the request of the state fire marshal pursuant to the rules promulgated by the fire safety board.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

Admin Rule: R 29.2801 et seq. of the Michigan Administrative Code.

29.30 Discovery of system allegedly in violation of state law; report; acknowledgment of notice.

Sec. 30. (1) If a firm certified under section 26 or 27 discovers a required fire alarm system or required fire suppression system which the firm believes to be installed, serviced, modified, tested, or maintained in a manner which is in violation of state law, the firm immediately shall report the alleged violation to the state fire marshal on a form provided by the state fire marshal and to the owner, operator, or a designated representative of the owner or operator of the building in which the required fire alarm system or required fire suppression system is installed.

(2) Upon notification that the required fire alarm system or required fire suppression system is installed, serviced, modified, tested, or maintained in a manner which the firm believes to be in violation of state law, the owner, operator, or a designated representative of the owner or operator of the building in which the required fire alarm system or required fire suppression system is installed shall provide the state fire marshal with a written acknowledgment of the notice of the alleged violations and the action taken by the owner, operator, or designated representative of the owner or operator on a form provided by the state fire marshal.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.31 Township, city, village, or county ordinances or resolutions; rules; “inconsistent” defined.

Sec. 31. (1) A township, city, village, or county shall not adopt or enforce an ordinance or resolution that is inconsistent with this act or any rule promulgated under this act.

(2) A state agency shall not promulgate rules inconsistent with this act. This subsection does not apply to the motor carrier safety act of 1963, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, or rules promulgated under that act by the motor carrier division of the department of state police.

(3) As used in this section, “inconsistent” means a rule or ordinance that is more permissive than the provisions of this act, or is more restrictive, or requires more action, equipment, or permits, or prevents or obstructs compliance with the provisions of this act.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 ;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.32 Suspension of certification; hearing; affirming, reversing, or modifying decision to suspend certification; revocation of certification; recertification; accepting plans and specifications for approval.

Sec. 32. (1) The certification of a firm under section 26 or 27 may be suspended by the state fire marshal pending a hearing by the state fire safety board as specified in section 3c, if the firm documents the installation or modification of a required fire alarm system or required fire suppression system and the system does not comply with the applicable state law or if the firm installs, tests, services, inspects, or maintains a required fire alarm system or a required fire suppression system in a manner not in compliance with applicable state law. After the hearing, the state fire safety board may affirm, reverse, or modify the state fire marshal's decision to suspend a firm's certification or may revoke the firm's certification. A firm whose certification is revoked under this section may be recertified only after an additional hearing before the state fire safety board.

(2) The state fire marshal shall not accept for approval pursuant to section 29(1) plans or specifications submitted by an architect or professional engineer who has failed to provide corrected plans and specifications prior to the installation of a required fire alarm system or required fire suppression system for which previous plans and specifications have been disapproved. The state fire marshal may resume accepting plans and specifications for approval pursuant to section 29(1) only after a hearing before the state fire safety board.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

Compiler's Note: For transfer of powers and duties of the fire marshal division programs relating to fire alarm and fire suppression system installation, documentation and certification, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at § 29.451 of the Michigan Compiled Laws.

29.33 Performance of certain acts by noncertified firm; principal executive officer guilty of misdemeanor; penalty. [M.S.A. 4.559(30.3)]

Sec. 33. The principal executive officer of a noncertified firm which tests, services, maintains, modifies, or documents the installation and modification of a required fire alarm system or designs, installs, tests, maintains, or services a required fire suppression system is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$3,000.00, or both.

History: Add. 1982, Act 144, Eff. Oct. 28, 1982 .

29.34 Bulk transportation of flammable liquids, combustible liquids, or liquefied petroleum gas; annual certification; annual inspection; identification number; annual fee; revocation or denial of renewal certificate; prohibition; disposition of fees; applicability of subsections (1) through (6); removal of decal; violation as misdemeanor. [M.S.A. 4.559(30.4)]

Sec. 34. (1) Each vehicle transporting flammable liquids, combustible liquids, or liquefied petroleum gas, in bulk, in this state, shall not be operated without annual certification by the motor carrier division of the department. A truck carrying a cargo tank with a capacity of less than 300 gallons and engaged in agricultural or horticultural operations is not required to be certified.

(2) The motor carrier division of the department shall determine compliance with this act by conducting an annual inspection before certifying the vehicle.

(3) Each vehicle certified under this section shall bear an identification number as assigned by the motor carrier division of the department. The motor carrier division shall prescribe the size, color, design, and placement of the identification number. The owner of each vehicle certified under this section shall provide information relative to certification, as required by the motor carrier division.

(4) The annual fee for certification is \$95.00 for each vehicle described in this section. Fees required under this subsection shall be paid by the owner of the vehicle before the issuance of a certificate when the vehicle specified in this section is used at any time during the state fiscal year to transport a flammable liquid, combustible liquid, or liquefied petroleum gas in bulk.

(5) Upon a finding of noncompliance with this act, the motor carrier division may revoke or deny the renewal of a certificate and prohibit the owner of a vehicle required to be certified from being operated in this state.

(6) Fees received under this section shall be deposited in the hazardous materials transportation regulatory enforcement fund. Interest and earnings shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund. Money in the fund shall be used by the motor carrier division for enforcement of this act. If at the close of any fiscal year the amount of money in the fund exceeds \$1,000,000.00, the division shall not collect a fee for the following year for the fund from existing vehicles. After the fee has been suspended under this subsection, it shall only be reinstated if, at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury

shall, before November 1 of each year, notify the department of the balance in the fund at the close of a preceding fiscal year.

(7) Subsections (1) through (6) apply until October 1, 1996.

(8) The owner or the lessee of a vehicle displaying a Michigan state police certification decal shall remove the decal from the vehicle by January 1, 1997. Failure to remove a Michigan state police certification decal from a vehicle by January 1, 1997 is a misdemeanor.

History: Add. 1996, Act 152, Imd. Eff. Mar. 25, 1996 .

MCL Complete Through PA 49 of 2000

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EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1997-2

29.451 Transfer of certain inspection and administrative functions of the fire marshal division of the department of state police to department of consumer and industry services by type II transfer; transfer of state fire safety board from department of state police to department of consumer and industry services by type I transfer; transfer of certain functions related to the above ground storage tank program and the inspection of dry cleaning establishments from the department of state police to the department of environmental quality by type II transfer.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Fire Marshal Division of the Michigan Department of State Police performs certain inspection functions which are duplicative of or similar to those performed by the Department of Consumer and Industry Services and the Department of Environmental Quality; and

WHEREAS, the Department of Consumer and Industry Services is the primary state department with inspection and licensing responsibilities; and

WHEREAS, in Executive Orders 1995-18 and 1996-1 the Michigan Department of Environmental Quality assumed certain responsibilities for dry cleaning programs and underground storage tanks; and

WHEREAS, certain functions, duties and responsibilities assigned to the Fire Marshal Division of the Michigan Department of State Police can be more effectively organized and carried out under the supervision and direction of the Michigan Department of Consumer & Industry Services and Michigan Department of Environmental Quality; and

WHEREAS, it is in the best interest of Michigan citizens to have the Department of State Police concentrate its efforts and functions on its primary role of criminal investigations, arson investigations, and arson-related training activities; and

WHEREAS, by relieving the Fire Marshal Division of certain inspection and administrative functions, state police resources will be made available to perform core functions of the Department of State Police; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

A. Department of Consumer and Industry Services.

1. All of the authority, powers, duties, functions and responsibilities, including but not limited to the functions of budgeting, procurement and management related functions of the following Fire Marshal Division programs:
 - a) Fire safety inspections of adult foster care (MCL §400.711), correctional (MCL §791.762), and health care facilities (MCL §§330.1138 and 333.20156); and
 - b) Plan review and construction inspections of schools, colleges, universities, school dormitories (MCL §388.8 53), as well as adult foster care (MCL §400.711), correctional (MCL §791.762), and health care facilities (MCL § 330.1138 and 333.21056); and
 - c) Coordination of fire inspector training programs, including State Certified Fire Inspector School (SCFIS) and the biennial recertification of fire inspectors (MCL §29.2b); and
 - d) Fire alarm and fire suppression system installation, documentation and certification (MCL 29.26 - 33); and
 - e) Federally required fire inspections of certain health and mental care facilities, and
 - f) Inspection and certification of places of public assemblage (MCL 29.21c and 29.21d); and
 - g) Federal inspection requirements pursuant to the Hotel/Motel Fire Safety Act of 1990 (PL 101-391 of 1990); and
 - h) Fire drills in schools, colleges, universities and school dormitories (MCL §29.19); and
 - i) Fire extinguishing compound use approval (MCL §29.21b(b)); and
 - j) Hazardous chemicals in the workplace (MCL §29.29p), are hereby transferred from the Department of State Police to the Department of Consumer & Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
2. All the statutory authority, powers, duties, functions and responsibilities granted to the Director of the State Police in Section 2 of Act No. 207 of the Public Acts of 1941, as amended, being Sections 29.2 of the Michigan Compiled Laws, which are related to the functions transferred by this Order, are hereby transferred from the Director of the Michigan Department of State Police to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
3. All of the statutory authority, powers, duties, functions and responsibilities of the State Fire Safety Board, including but not limited to those set forth in Act No. 207 of the Public Acts of 1941, as amended, being Section 29.1 et. seq. of the Michigan Compiled Laws, are hereby transferred from the Department of State Police to the Department of Consumer and Industry Services by a Type I transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
4. The Director of the Department of Consumer & Industry Services shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Consumer & Industry Services and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Consumer & Industry Services.
5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Fire Marshal Division and State Fire Safety Board for the activities transferred to the Department of Consumer & Industry Services by this Order are hereby transferred to the Department of Consumer & Industry Services.
6. The Director of the Department of Consumer & Industry Services shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
7. The Director of the Department of State Police and the Director of the Department of Consumer & Industry Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance

with applicable federal and State laws and regulations, or other obligations to be resolved by the Fire Marshal Division.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

9. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

B. Department of Environmental Quality.

1. All of the statutory authority, powers, duties, functions and responsibilities, including but not limited to the functions of budgeting, procurement and related management functions of the following Fire Marshal Division programs:

a. The Above Ground Storage Tank Program (MCL §29.5c); and

b. The inspection of dry cleaning establishments (MCL §29.5i), are hereby transferred from the Department of State Police to the Department of Environmental Quality by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Department of Environmental Quality shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Environmental Quality, and all related prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, are transferred to the Director of the Michigan Department of Environmental Quality.

3. The Director of the Department of Environmental Quality shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available to or to be made available to the activities, powers, duties, functions and responsibilities transferred to the Michigan Department of Environmental Quality by this Order are transferred to the Michigan Department of Environmental Quality.

5. The Director of the Michigan Department of Environmental Quality shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Michigan Department of State Police and the Director of the Michigan Department of Environmental Quality shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Environmental Quality.

7. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

8. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action

or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963,
the provisions of this Order shall become effective September 30, 1997.

History: 1997, E.R.O. No. 1997-2, Eff. Sept. 30, 1997 .
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EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1998-2

29.451 Transfer of powers, duties, and administrative functions pertaining to storage and handling of certain hazardous liquids and gases from the department of state police to the department of environmental quality by type II transfer; transfer of the aboveground storage tank program from the department of state police to the department of environmental quality by type II transfer; transfer of certain powers, duties, and functions from the department of state police and state fire safety board to the department of environmental quality by type II transfer; renaming underground storage tank division as storage tank division.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Executive Order No. 1997-2 transferred the Aboveground Storage Tank Program (MCL 29.5c) from the Fire Marshal Division of the Michigan Department of State Police to the Michigan Department of Environmental Quality; and

WHEREAS, other regulatory statutes and administrative rules govern the storage and handling of hazardous materials not regulated under MCL 29.5c; and

WHEREAS, it is in the best interest of Michigan citizens to ensure that the storage and handling of these other hazardous materials are conducted in a safe and environmentally responsible manner; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to regulate the storage and handling of these hazardous materials within one department of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities, including but not limited to the functions of rulemaking, budgeting, procurement and related management functions of the following programs:
 - a. Promulgation and enforcement of administrative rules pertaining to the storage and handling of flammable and combustible liquids; liquefied petroleum gases; compressed natural gas vehicular fuel systems; and the production, storage and handling of liquefied natural gas (Section 3c(2) of Act No. 207 of Public Acts of 1941, as amended, being Section 29.3c(2) of the Michigan Compiled Laws); and
 - b. The Aboveground Storage Tank Program, Sections 5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of Act No. 207 of the Public Acts of 1941, as amended, being Sections 29.5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of the Michigan Compiled Laws; are hereby transferred from the Department of State Police to the Department of Environmental Quality by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities granted to the Director of the Department of State Police, the Department of State Police and the State Fire Safety Board in Section 2 and Section 3c of Act No. 207 of the Public Acts of 1941, as amended, being Sections 29.2 and 29.3c of the Michigan Compiled Laws, which are related to the functions transferred by this Order and paragraph

B.1. of Executive Order 1997-2, are hereby transferred to the Director of the Department of Environmental Quality by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Underground Storage Tank Division created by Executive Order 1994-7 and placed within the Department of Environmental Quality by Executive order 1995-18, is hereby renamed the

4. The Director of the Michigan Department of Environmental Quality shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Environmental Quality, and all related prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, are transferred to the Director of the Michigan Department of Environmental Quality.

5. The Director of the Department of Environmental Quality shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available to or to be made available to the activities, powers, duties, functions and responsibilities transferred to the Michigan Department of Environmental Quality by this Order are transferred to the Michigan Department of Environmental Quality.

7. The Director of the Michigan Department of State Police and the Director of the Michigan Department of Environmental Quality shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Environmental Quality.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year

9. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Order shall become effective sixty (60) days after filing.

History: 1998, E.R.O. No. 1998-2, Eff. May 16, 1998.

MCL Complete Through PA 49 of 2000

2000 Legislative Council, State of Michigan

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